

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**JAVIER AMBLER, SR. and  
MARITZA AMBLER, individually,  
on behalf of all wrongful death  
beneficiaries of JAVIER AMBLER,  
II, on behalf of the estate of JAVIER  
AMBLER, II, and as next friends of  
J.R.A. a minor child; and  
MICHELLE BEITIA, as next friend  
of J.A.A. a minor child,  
*Plaintiffs***

**V.**

**MICHAEL NISSEN and  
CITY OF AUSTIN,  
*Defendants***

**Case No. 1:20-cv-1068-LY**

## ORDER

Before the Court is the Joint Motion to Extend Time to File a Motion to Compel and for Entry of Order for Production by the City of Austin, filed March 15, 2023 (Dkt. 173).<sup>1</sup>

In their joint motion, Plaintiffs and the City of Austin state that the City produced “Internal Affairs documents pertaining to approximately 85 incidents where an APD officer was disciplined for their conduct during an occasion when APD officers used [ ] force” on March 10, 2023, but the City has produced no records for an additional 44 such responsive incidents. *Id.* at 2. The parties further state that they have “agreed in principle that, once production of the full set of 129 [Internal Affairs] reports is complete, the parties will review whether they can agree to a limited production of related evidence” or resolve relevant issues through stipulations or testimony. *Id.*

<sup>1</sup> On December 21, 2022, the District Court referred all motions in this case to the undersigned Magistrate Judge for resolution or Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72, and Rule 1 of Appendix C to the Local Rules of the United States District Court for the Western District of Texas, as amended. Dkt. 144.

The parties ask the Court to enter an order (1) extending Plaintiffs' deadline to file a motion to compel from March 15, 2023, to April 5, 2023, and (2) directing the City to produce all APD internal affairs reports described in the motion that have not already been produced to counsel for Plaintiffs in this case by March 22, 2023.

Finding good cause therefor, the Court hereby **GRANTS IN PART** the Joint Motion to Extend Time to File a Motion to Compel and for Entry of Order for Production by the City of Austin (Dkt. 173). Plaintiffs have until **April 5, 2023**, to file any motion to compel.

The parties represent that the City has agreed to produce the remaining internal affairs reports. The Court's Order entered January 26, 2023 granting in part Plaintiffs' Second Motion to Compel Requests for Production from Defendant City of Austin (Dkt. 155) remains in effect.

The Court strongly urges the parties to continue their efforts to confer and complete discovery promptly and without further motion practice. No additional extension of the deadline to file a motion to compel will be granted absent extraordinary circumstances.

**IT IS SO ORDERED.**

**SIGNED** on March 20, 2023.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE